

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARK TUNNE,

Plaintiff,

-against-

DISCOVER FINANCIAL SERVICES, INC., d/b/a  
DISCOVER CARD, INC.; JANE DOE  
“JANELLE,” an employee of Discover Card;  
JANE DOE “EVY M.,” an employee of Discover  
Card; TRANSUNION, INC.; EQUIFAX INC.;  
EXPERIAN, INC.,

Defendants.

22-CV-5288 (RA)

ORDER OF SERVICE

RONNIE ABRAMS, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under, *inter alia*, the Equal Credit Opportunity Act (“ECOA”) and the Fair Credit Reporting Act (“FCRA”). By order dated September 1, 2022, the Court granted Plaintiff’s request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees.

**DISCUSSION**

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

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<sup>1</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, because Plaintiff is proceeding IFP, he could not have served the summons and the complaint until the Court reviewed the complaint and ordered that the summons be issued. The Court therefore extends the time to serve until 90 days after the date the summons is issued.

To allow Plaintiff to effect service on Discover Financial Services, Inc., d/b/a Discover Card, Inc. (“Discover”), TransUnion, Inc., Equifax, Inc., and Experian, Inc. through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for these defendants. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

#### **Jane Doe Defendants**

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the complaint, Plaintiff supplies sufficient information to permit Discover, to identify Jane Doe “Janelle” and Jane Doe “Evy M.” It is therefore ordered that Discover must attempt to ascertain the identity of each Jane Doe whom Plaintiff seeks to sue here and the address where they may be served. Discover must provide this information to Plaintiff and the Court within sixty days of the date of receipt of this order.

Within thirty days of receiving this information, Plaintiff must file an amended complaint naming the Jane Doe defendants. The amended complaint will replace, not supplement, the original complaint. An amended complaint form that Plaintiff should complete is attached to this order. Once Plaintiff has filed an amended complaint, the Court will screen the amended

complaint and, if necessary, issue an order directing the Clerk of Court to complete the USM-285 forms with the addresses for the named Jane Doe defendants and deliver all documents necessary to effect service to the U.S. Marshals Service.

### **CONCLUSION**

The Clerk of Court is instructed to issue a summons for Discover Financial Services, Inc., d/b/a Discover Card, Inc., TransUnion, Inc., Equifax, Inc., and Experian, Inc., complete the USM-285 forms with the addresses for these defendants, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further directed to mail a copy of this order and the complaint to Defendant Discover Financial Services, Inc., d/b/a Discover Card, Inc., at 111 Eighth Avenue, New York, New York 10011; Defendant TransUnion, Inc. at 555 W. Adams St., Chicago, IL 60661; Defendant Equifax, Inc. at 1550 Peachtree Street, N.W., Atlanta, GA 30309; and Defendant Experian, Inc., at 475 Anton Boulevard, Costa Mesa, CA 92626.

The Clerk of Court is also directed to mail both an information package and a copy of this Order to Plaintiff.

SO ORDERED.

Dated: 10/19/2022  
New York, New York



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RONNIE ABRAMS  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESS**

1. Discover Financial Services, Inc., d/b/a Discover Card, Inc.  
111 Eighth Avenue  
New York, New York 10011
2. TransUnion, Inc.  
555 W. Adams St.  
Chicago, IL 60661
3. Equifax, Inc  
1550 Peachtree Street, N.W.  
Atlanta, GA 30309
4. Experian, Inc.  
475 Anton Boulevard  
Costa Mesa, CA 92626